

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

**U.S. Bank Trust, N.A., as Trustee for LSF8
Master Participation Trust**

Plaintiff

vs.

**Alan S. Dunton, Cindy L. Dunton and
Penobscot Bay Medical Center**

Civil No. 1:20-cv-00098-LEW

Defendants

**Harold Little & Archer Israel
Town of Newburgh
Maine Revenue Services
The Town of Newburgh and the Maine
Municipal Association**

Party-In-Interest

JUDGMENT OF FORECLOSURE AND SALE

214-216 Lindsey Road, Newburgh, Maine
Book: 8249, Page 82

This matter came before the Court for a testimonial hearing on Plaintiff's Motion for Default Judgment on April 13, 2022. Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust, was present and represented by Reneau J. Longoria, Esq. Defendants, Alan S. Dunton, Cindy L. Dunton and Penobscot Bay Medical Center, did not appear; Party-In-Interest, Harold Little & Archer Israel did not appear; Party-In-Interest, Town of Newburgh did not appear; Party-In-Interest, Maine Revenue Services did not appear; Party-In-Interest, The Town of Newburgh and the Maine Municipal Association did not appear.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment is GRANTED. Count II - Breach of Loan Repayment and Security Agreement, Count III - Breach of Contract, Money Had and Received,

Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I - Foreclosure is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust ("U.S. Bank") the amount adjudged due and owing (\$362,216.27) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

<u>Description</u>	<u>Amount</u>
Principal Balance	\$148,199.18
Interest	\$180,337.55
Escrow/Impound Required	\$33,679.54
Grand Total	\$362,216.27

2. If the Defendants or their heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$362,216.27) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S. § 6322, their remaining rights to possession of the Newburgh Property shall terminate, and U.S. Bank shall conduct a public sale of the Newburgh Property in accordance with 14 M.R.S. § 6323, disbursing the proceeds first to itself in the amount of \$362,216.27 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S. § 6324. U.S. Bank may not seek a deficiency judgment against the Defendants pursuant to the Plaintiff's waiver of deficiency at trial.

3. In the event that the Defendant, and anyone occupying the premises, do not vacate the

property upon termination of his/her right to possession, U.S. Bank may reopen this matter to seek a Writ of Assistance and/or Writ of Possession to be served by the U.S. Marshals Service pursuant to Federal Rule of Civil Procedure 4.1(a) consistent with this Judgment.

4. Pursuant to 14 M.R.S. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
- 5 The amount due and owing is \$362,216.27.
- 6 The priority of interests is as follows:
 - U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust has first priority, in the amount of \$362,216.27, pursuant to the subject Note and Mortgage.
 - Joseph Campbell has the second priority behind the Plaintiff pursuant to a Writ of Execution dated March 5, 2003, in the amount of \$845.80, and recorded in the Penobscot County Registry of Deeds in Book 9752, Page 130.
 - Harold Little & Archer Israel has the third priority behind the Plaintiff pursuant to a Writ of Execution dated March 28, 2006, in the amount of \$17,581.30, and recorded in the Penobscot County Registry of Deeds in Book 10402, Page 205.
 - Town of Newburgh has the fourth priority behind the Plaintiff pursuant to a Mortgage dated June 14, 2010, in the amount of \$252,436.49, and recorded in the Penobscot County Registry of Deeds in Book 12164, Page 13.
 - The Town of Newburgh and the Maine Municipal Association has the fifth priority behind the Plaintiff pursuant to a Writ of Execution dated January 5,

2012, in the amount of \$252,461.49, and recorded in the Penobscot County Registry of Deeds in Book 12703, Page 176.

• Maine Revenue Services has the sixth priority behind the Plaintiff pursuant to a Tax Lien dated April 1, 2012, in the amount of \$24,809.70, and recorded in the Penobscot County Registry of Deeds in Book 12778, Page 18.

• Alan S. Dunton, Cindy L. Dunton have the seventh priority behind the Plaintiff.

7. Entry of the judgment also confirms the discharge of the Writ of Execution to Penobscot Bay Medical Center in the amount of \$6,259.04, recorded in the Penobscot County Registry of Deeds in Book 7342, Page 25.
8. The prejudgment interest rate is 10.46300%, *see* 14 M.R.S. § 1602-B, and the post-judgment interest rate is .15%, *see* 28 U.S.C. § 1961.
9. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	<u>PARTIES</u>	<u>COUNSEL</u>
PLAINTIFF	U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust 13801 Wireless Way Oklahoma City, OK 73134	Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 303C Beverly, MA 01915
DEFENDANT	Alan S. Dunton 216 Lindsey Road Newburgh, ME 04444	Pro Se
	Cindy L. Dunton 216 Lindsey Road Newburgh, ME 04444	Pro Se

Penobscot Bay Medical Center Pro Se
118 Northport Ave
Belfast, ME 04915

PARTIES-IN-INTEREST

Harold Little and Archer Israel Pro Se
5220 Society Way
De Leon, FL 32130

Maine Municipal Association
60 Community Drive
Augusta, ME 04330

Thompson, Bowie & Hatch LLC
415 Congress Street
PO Box 4630
Portland, ME 04112

Maine Revenue Services

Kevin J. Crosman, Esq.,
Assistant Attorney General
6 State House Station
Augusta, ME 04333

Town of Newburgh
2220 Western Avenue
Newburgh, ME 04444

James M. Bowie
Thompson Bowie & Hatch Llc
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- a) The docket number of this case is No. 1:20-cv-00098-LEW.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 214-216 Lindsey Road, Newburgh, ME 04444, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 214-216 Lindsey Road, Newburgh, ME 04444. The Mortgage was executed by the Defendants, Alan S. Dunton and Cindy L. Dunton on June 25, 2002. The book and page number of the Mortgage in the Penobscot County Registry of Deeds is Book 8249, Page 82.

- e) Entry of the judgment also confirms the discharge of the Writ of Execution to Penobscot Bay Medical Center in the amount of \$6,259.04, recorded in the Penobscot County Registry of Deeds in Book 7342, Page 25.
- e) This judgment shall not create any personal liability on the part of the Defendants but shall act solely as an in rem judgment against the property, 214-216 Lindsey Road, Newburgh, ME 04444.

SO ORDERED.

Dated this 14th day of April, 2022.

/s/ Lance E. Walker
UNITED STATES DISTRICT JUDGE